

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF  
THE LICENSE OF

ORDER GRANTING LIMITED LICENSE

SHIRLEY E. RAGLAND  
PETITIONER

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Shirley E. Ragland  
P.O. Box 091806  
Milwaukee, WI 53209

On April 22, 2004, the petitioner appeared before the Wisconsin Board of Nursing to request approval of her application for licensure as a registered nurse. The petitioner disclosed on her application for licensure that she has a felony conviction record. Based upon all information of record herein, the Board orders as follows:

ORDER

**NOW, THEREFORE, IT IS ORDERED** that SHIRLEY E. RAGLAND shall be granted a **LIMITED** license to practice as a RN in Wisconsin upon receiving a passing score on the NCLEX examination. The terms and conditions of her limited license are as follows. The limitations shall remain in effect for a period of one (1) year, unless extended by the Board for good cause.

**Drug and Alcohol Screens**

1. Within thirty (30) days from the date of obtaining her license as a registered nurse, the petitioner shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the department pursuant to Wis. Adm. Code § RL 7.11, ("Approved Program").

- a. The Department Monitor, Board or Board designee shall provide Petitioner with a list of approved programs, however, Petitioner is solely responsible for timely enrollment in any such approved program.
- b. Unless otherwise ordered by the Board, the approved program shall require the testing of urine specimens at a frequency of not less than twenty six **(26) times per year**.
- c. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the urine specimens.
- d. Petitioner shall comply with all requirements for participation in drug and alcohol monitoring established by the approved program, including but not limited to;
  - (i.) contact with the approved program as directed on a daily basis, including weekends and holidays, and;
  - (ii.) production of a urine specimen at a designated collection site within five(5) hours of notification of a test.
- e. The Board in its discretion without a hearing and without further notice to Petitioner may modify this Order to require submission of hair or breath specimens or that any urine or hair specimen in a directly witnessed manner.
- f. All expenses of enrollment and participation in the approved program shall be borne by Petitioner who shall keep any account for such payments current in all respects.
- g. For purposes of further Board action under this Order, it is presumed that all confirmed positive test results are

valid. Petitioner has the burden of proof to establish by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody which causes an invalid confirmed positive test result.

2. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, the Petitioner shall promptly submit to additional tests or examinations as determined necessary to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

### **Required Reporting by Drug and Alcohol Testing Laboratories**

3. The Drug and Alcohol Testing Laboratories (laboratory) shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, by FAX or telephonic communication: **any failure to provide a urine, blood or hair specimen within five (5) hours from the time it was requested; or of any inability to locate the Petitioner to request a specimen.** The laboratory shall immediately report all urine specimens suspected to have been tampered with and all urine, blood or hair specimens which are positive or suspected positive for controlled substances or alcohol to the Department Monitor,

4. The laboratory shall within **48 hours** of completion of each drug or alcohol analysis mail the report from **all** specimens requested of Petitioner under this Order to the Department Monitor (regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances, their metabolites or alcohol). Each report shall state the date and time the specimen was requested; the date and time the specimen was collected; the results of the tests performed to detect tampering; and the results of the laboratory analysis for the presence of controlled substances and alcohol.

5. The laboratory shall submit formal written reports to the Department Monitor, Madison, Wisconsin 53708-8935 on a **quarterly** basis, as directed by the Department Monitor. These reports shall summarize the results of the urine, blood or hair specimen analyses. The petitioner shall arrange for the reports to be sent directly to the Department Monitor at the following address: **[Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608)266-2264, telephone no. (608)261-3817, e-mail department.monitor@drl.state.wi.us].**

### **Required Reporting**

6. It is the responsibility of Petitioner to promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order, including any failures of the laboratory or collection sites to conform to the terms and conditions of this Order.

### **Work Reports Required**

7. Petitioner shall arrange for her employer to provide formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 on a **quarterly** basis, as directed by the Department Monitor. These reports shall assess Petitioner's work performance.

### **Change in Address or Work Status**

8. Petitioner shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

9. Petitioner shall furnish a copy of this Order to all present employers immediately upon issuance of this Order, and to any prospective employer when Petitioner applies for employment as a registered nurse.

## **PETITION FOR MODIFICATION OF TERMS**

10. Petitioner may request by petition that the Board modify the terms of this limited license, provided that any such petition shall be accompanied by a report from the Department Monitor, the petitioner's employer and an appearance by the petitioner in support of the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and the petitioner shall not have a right to any further hearings or

proceedings on any denial in whole or in part of the petition for modification of the limited license.

This Order is effective upon the date of signing.

STATE OF WISCONSIN  
BOARD OF NURSING

Jacqueline Johnsrud  
On behalf of the Board

May 12, 2004  
Date